

REMARKS

By this Preliminary Amendment, Applicants have amended claims 1-4, 10, 11, 16, and 17, added new claims 23-34, and canceled claims 5-9, 12-15, and 18-22 without prejudice. Accordingly, claims 1-4, 10, 11, 16, 17 and 23-34 are currently pending. No new matter is added by the foregoing amendments, and no additional fees are believed necessary. However, if the Examiner believes additional fees are necessary, Applicants hereby authorize the Commissioner to charge the appropriate fees to the deposit account listed on the Transmittal Form provided herewith. Furthermore, Applicants note that this Preliminary Amendment relates to a continuation application of Pat. App. Serial No. 09/955,720 (Parent Application), the continuation application being filed herewith.

With the foregoing in mind, and in the interest of efficient prosecution, Applicants address below the substance of the prior Examiner's rejections in the Parent Application as applied to the currently pending claims. In light of the following remarks, Applicants respectfully assert that the currently pending claims 1-4, 10, 11, 16, 17 and 23-34 are patentable and in condition for allowance. In short, Applicants respectfully assert that the pending claims are not anticipated by the Kofstad reference (U.S. Pat. No. 5,833,337).

Anticipation under Section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under Section 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). To maintain a proper rejection under Section 102, a single reference must teach each and every element or step of the rejected claim. *Atlas Powder v. E.I. du Pont*, 750 F.2d 1569 (Fed. Cir. 1984). Thus, if the claims recite even one

element not found in the cited reference, the reference does not anticipate the claimed invention. With respect to the present claims, Applicants respectfully assert that the Kofstad reference does not disclose *all* of the features recited in the instant claims.

The Cited Reference Does NOT Disclose a Locking Mechanism

By way of example, each of the pending claims, in various permutations and formulations, recites, *inter alia*, “a locking mechanism.” Specifically, the pending independent claims recite:

Claim 1: a *locking mechanism* interacting with the first and second rail members to *resist inward movement* of the distal ends of the first and second rail members with respect to one another;

Claim 11: a *locking mechanism* interacting with the first and second rail members, the locking mechanism having a locked configuration *limiting collapsing movement* of the rail members with respect to one another; and

Claim 30 a *locking mechanism* configured to *prevent relative movement* between the distal ends.

Applicants respectfully assert that the Kofstad fails to disclose these recited features.

During prosecution of the Parent Application, the prior Examiner asserted that the “fasteners 82a-d and the nuts 88a-d act as a locking mechanism to hold the rails in a position relative to each other.” Paper No. 5 in relation to the Parent Application, page 2. Applicants, however, respectfully assert that the Kofstad reference does not disclose the locking mechanism as recited in the instant claims.

Kofstad discloses a slide assembly 54 including a male component slide 48 that attaches to a female rack slide 50 to facilitate movement of the two pieces with respect to one another. *See* Kofstad, column 3, lines 2-15. The slide assembly 54 then couples to an upright rack 40 via a mounting member 68. *See id.*, Fig. 4. The mounting member 68 comprises a set of slots 80a-d that receives stems 82a-d that appear to extend from the external surface of the female rack slide 50. *See id.*, Figs. 4 and 7. Once assembled, the mounting member 68 is secured to the female slide 50 via fasteners 88a-d.

With the foregoing in mind, Figures 6 and 8 of the Kofstad reference demonstrate that none of the mounting structures extend into the assembly in a manner affecting the movement of the slides 48 and 50. Indeed, the top view of the Kofstad structure clearly demonstrates that stems 82a-d do not interact with the male and female slides 48 and 50. Thus, the disclosed slides 48 and 50 are free to move with respect to one another. Accordingly, the Kofstad reference absolutely fails to disclose a *locking mechanism* that *interacts* with first and second rail members, wherein the assembly has a *locked position* that resists the movement of rail members with respect to one another.

The prior Examiner also appears to contend that mounting bracket 56 of Kofstad may be viewed as a “rail” working in conjunction with female rail 54. This contradicts the Kofstad reference, which clearly states that element 56 is a “mounting bracket.” More specifically, Kofstad states that the sliding assembly, the features of which facilitate movement of the secured component in an outward direction, is the male and female slides working in conjunction with one another. Applicants respectfully assert that the prior Examiner interpreted the Kofstad contrary to Kofstad’s own disclosure.

Considering, *arguendo*, the Examiner's hypothesis that the mounting bracket may be viewed as a slide, Kofstad's mounting assembly does not have a *locked position*. Indeed, the stems 82a-d of Kofstad are configured to ride freely within the slots 80a-d. *See* Kofstad, column 3, lines 46-51. Thus, the slots are not capable of a *locked position*. Instead, upon assembly of the slides into a rack 40, the stems 82a-d reside in the center of the respective slots 80a-d. *See id.*, column 4, lines 36-40. By residing in the center of the slots 80a-d, the stems 82a-d are free to move in either direction and, as such, the stems 82a-d are not in a *locked position*.

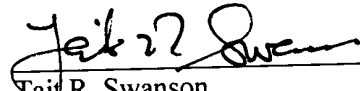
Based upon the foregoing, Applicants respectfully assert that the Kofstad reference does not disclose all of the features recited in the instant claims. Accordingly, Applicants respectfully assert that independent claim 1 and its respective dependent claims 2-4, 10 and 23-26, independent 11 and its respective dependent claims 15-17 and 27-29, and new independent claim 30 and its respective dependent claims 31-34 are not anticipated by the Kofstad reference. For these reasons, Applicants respectfully request allowance of the pending claims.

Conclusion

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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Tai R. Swanson
Reg. No. 48,226
(281) 970-4545

Correspondence Address:
Hewlett-Packard Company
IP Administration
P.O. Box 272400
Fort Collins, CO 80527-2400